

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSEPH BONGIOVANNI,
PETER GERACE, JR.,

Defendants.

NOTICE OF MOTION

Case No. 19-CR-227

S I R S :

PLEASE TAKE NOTICE that upon the annexed affidavit of Joel L. Daniels, Esq., duly sworn to on the 10th day of March, 2021, and upon all other proceedings previously had herein, the undersigned will move this Court, at a term to be held in the United States Courthouse, Buffalo, New York, at a date and time to be determined by the Court, for an order granting the following relief:

- (1) Permission for the defense to file a motion for amendment of the conditions of Mr. Gerace's release on or before March 25, 2021; and
- (2) Such other and further relief as the Court deems proper.

DATED: March 10, 2021
Buffalo, New York

Respectfully submitted,

/s/ Joel L. Daniels
JOEL L. DANIELS

Attorney for Defendant,
PETER GERACE, JR.
Office and Post Office Address
42 Delaware Avenue - Suite 700
Buffalo, New York 14202
(716) 856-5140
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TO: JAMES P. KENNEDY, JR., ESQ.
United States Attorney for the
Western District of New York
138 Delaware Avenue
Buffalo, New York 14202
Attn: JOSEPH M. TRIPI, ESQ.
Assistant United States Attorney

UNITED STATES DISTRICT COURT
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AFFIDAVIT

JOSEPH BONGIOVANNI,
PETER GERACE, JR.,

Case No. 19-CR-227

Defendants.

STATE OF NEW YORK)
COUNTY OF ERIE) ss:
CITY OF BUFFALO)

JOEL L. DANIELS, being duly sworn, deposes and says:

1. I am the retained attorney of record for the defendant, Peter Gerace.
2. Mr. Gerace is charged in a superseding indictment filed on February 25, 2021 [Doc. 89]. He is charged, together with Joseph Bongiovanni [Id.].
3. Mr. Gerace was arrested in Florida on the instant indictment.
4. On March 1, 2021 Mr. Gerace appeared before United States Magistrate/Judge Alicia O. Valle in the Southern District of Florida. Magistrate/Judge Valle released Mr. Gerace subject to various conditions. Among those conditions was a prohibition against Mr. Gerace visiting Pharaoh's Gentlemen's Club located at 999 Aero Drive in Cheektowaga, New York. Mr. Gerace is the owner/operator of the Gentlemen's Club. His sole source of income is from Pharaoh's Gentlemen's Club.
5. On March 3, 2021 Mr. Gerace appeared virtually, together with counsel, before Magistrate/Judge Michael Roemer. At that appearance, Magistrate/Judge Roemer declined

to modify the requirement that Mr. Gerace stay away from Pharaoh's Gentlemen's Club. Deponent has ordered a transcript of the appearance before Magistrate/Judge Roemer.

6. It should be noted that Mr. Gerace is currently in quarantine, having re-entered the State of New York from Florida. This has posed an obstacle for deponent to meet in person with Mr. Gerace concerning his case in general and this application in particular.

7. Deponent has commenced an investigation into the business operation at Pharaoh's and is in the process of setting up witness interviews with individuals who are employed there. Deponent anticipates that these interviews will reveal relevant information in connection with this application.

8. Accordingly, in order to properly submit an application on Mr. Gerace's behalf to seek an amendment of the release conditions, deponent needs at least until March 25, 2021 to investigate, prepare and finalize such application [18 U.S.C. §3145(a)(2)].

9. Deponent has been in communication with Assistant United States Attorney Joseph Tripi. Mr. Tripi advised that the Government has no position on this motion.

WHEREFORE, deponent respectfully requests that this Court issue an order as set forth in the annexed Notice of Motion, together with such other and further relief as the Court deems proper.

Sworn to before me this
10th day of March, 2021.

/s/ Joel L. Daniels
JOEL L. DANIELS

/s/ Sandra Lee Wright
Notary Public

SANDRA LEE WRIGHT
Notary Public, State of New York
Qualified in Erie County
My Commission Expires October 29, 2022

CERTIFICATE OF SERVICE

I hereby certify that on March 10, 2021 I electronically filed the preceding document with the Clerk of the District Court using the CM/ECF system, which sent notification of such filing to the following:

Joseph M. Tripi, Esq.
Assistant United States Attorney

Defense Counsel

I further hereby certify that I have mailed by United States Postal Service said document to the following non-CM/ECF participants:

None

/s/ Sandra Lee Wright

SANDRA LEE WRIGHT